

# OPERATION PERMIT FOR A NON- HAZARDOUS SOLID WASTE FACILITY

## SECTION I – GENERAL INFORMATION

Permit Number :  
Facility Name : AES Puerto Rico, LP  
Physical Address : "Carretera PR-3, KM 142.0,  
Barrio Jobos, Guayama, PR 00784"  
Mailing Address : "P.O. Box 1890  
Guayama, PR 00785"  
Petitioners Name and  
Authorized Representative: Mr. Manuel Mata  
President, AES Puerto Rico, LP  
Telephone : (787) 866-8817  
Facility Owner : AES Puerto Rico, LP  
Officer In Charge : Mr. Manuel Mata  
President, AES Puerto Rico, LP

## SECTION II – DESCRIPTION OF THE AUTHORIZED FACILITY IN THIS PERMIT:

**A. Facility Type:** Cogeneration power plant that produces 454 megawatts (MW) of net electricity sold to the Puerto Rico Electric Power Authority. The facility also produces pressurized steam to suit industrial clients' processes. Also, the facility generates light or fly ash (*fly ash*), bottom ash, bed or heavy [*bed "o"*] (or) sic, *bottom ash*] and rock ash (manufactured/*rock ash*).

**B. Main Process:** Production of 454 MW of net electric energy, through two consistent generation units in two (2) circulating fluidized bed boilers (LFC) (by its Spanish acronym) sic, that burn bituminous coal (with sulfur content of 1% or less) with mechanical cyclones, which supply superheat steam two (2) extraction/condensation turbines to propel electric generators.

"Edificio Agencias Ambientales Cruz A. Matos  
Urb. San José Industrial Park  
1375 Ave. Ponce de León  
San Juan, PR 00926-2604  
Tel. 787-767-8181  
[www.jca.gobierno.pr](http://www.jca.gobierno.pr)"

(Logo)

I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

**C. Secondary Process (Cogeneration):** Production capacity of vapor at a rate of 290,000 pounds per hour. Currently, to compress the absence of vapor sale, an additional 14 MV per unit are generated, which are supplied to the Puerto Rico Electric Power Authority.

**D. Non-Hazardous Solid Waste Resulting from the Operation of the Facility:**  
**Ashes**

1. Description of the Ashes:

- a. Light or fly ash (*fly ash*).
- b. Bottom ash, bed or heavy [*bed "o" (or) sic, bottom ash*].
- c. Rock ash (manufactured/*rock ash*).

2. Management Areas and Ash Recovery:

a. The pneumatic conveyors belt of fly ash, the transportation of the fly ash silo to the mixer, the pneumatic conveyors belt of bottom ash, the transportation of the bottom ash silo to the mixer, the mixer in rounds and the transfer to the trucks area will take place in a closed and sealed area.

b. The retrieving hopper shall be sealed.

c. All the transporting conveyor belts shall be closed and sealed.

d. The transportation of ashes out of the facility for their final disposal shall be made with trucks duly authorized by the JCA.

3. Storage and Warehousing Area:

a. The light or fly ash (*fly ash*) can be stored in a silo temporarily.

b. The bed or bottom ashes [*bed "o" (or) sic, bottom ash*] can be stored in a silo temporarily.

c. Completely sealed and impermeable building where the ashes can be temporarily stored to prevent contact with rainwater and prevent water or soil contamination.


d. Direct transfer to a truck by means of a closed system to transport (the ashes) sic out of the facility.

**SECTION III – PERMIT CONDITIONS**

The holder of this permit granted by Act Number 416-2004, as amended, known as the "Environmental Public Policy Act," and Rule Number 5717 dated November 17, 1997 known as "Rule for Non-Hazardous Solid Waste Management", as amended (henceforth, "*RMDSNP*") (by its Spanish acronym) sic, shall comply with the general and specific terms and conditions as enumerated hereafter, which will be agreed at the acceptance of this permit:

**A. General Conditions**

1. Duties: The holder of this permit will comply with all the conditions established herein and any breach will constitute a violation to the provisions of the *RMDSNP*. The JCA make take any actions to force the holder (of this permit) sic, to comply with any applicable requirements, such as, but not limited to: decree the termination of the operations, or suspend, revoke, or vary the permit. In case of breach, the holder of this permit will be subject to sanctions and penalties in accordance with Act Number 416-2004, supra.
2. Right of entry, Inspection and examination:
  - a. The holder of this permit shall maintain this permit available in the facility for the examination of the JCA, represented by its members, consultants, contractors, agents or employees.
  - b. The owner of this permit will allow and shall not impede the JCA, represented by its members, consultants, contractors, agents or employees, access to examine any document related to this permit and the records required by this (permit) sic.
  - c. The owner of this permit will allow and shall not impede the JCA, represented by its members, consultants, contractors, agents or employees of the JCA, entry to the facility to investigate, inspect and verify the compliance with the *RMDSNP* and all other conditions established in this permit.
3. Availability of Public Information: All information submitted by the requesting party or the holder of this permit to the JCA, that hasn't been proclaimed and adjudicated as confidential by the JCA, will be available to the public to be inspected and reproduced, according to the rule 514(B0 and (D) of the *RMDSNP*, article 17 of Act Number 416-2004, supra, and according to the charges provided in the Resolution Number R-14-16-8-A approved on May 28, 2014.
4. Sanctions and Penalties: Any breach with the conditions of this permit or with the provisions of the *RMDSNP*, will constitute a violation, from which JCA, under the protection of Act 416-2004, supra, will:

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a. Take actions to force the owner of the permit to comply such as, but not limited to: issue orders to make or not to make and to cease or desist so that the necessary measures are taken of necessary control to achieve the purposes of Act Number 416-2004, supra, and of RMDSNP; suspend, modify or revoke the permit;

b. Impose sanctions and administrative fines for up to \$25,000 per violation per day and in case of obstinacy up to \$50,000 per violation per day, for infractions to the RMDSNP and Act Number 416-2004, supra.

5. Duty to Inform:

a. If the owner of this permit realizes that he have submitted any wrongful information he will notify immediately the JCA, and will offer the complete and correct information within five (5) days of this finding.

b. JCA may request the owner of the permit within a reasonable term to provide any information to determine if there is cause to modify or revoke the permit, or to determine if he is complying with its terms.

c. The owner of this permit will verbally inform any incident of non-compliance with the RMDSNP at the moment of the finding to the Guayama Regional Director, and will provide him a detailed written report on or before five (5) days from the notification. Verbal or Written reports will detail the nature of the breach, its cause, duration or anticipated duration if they are being continued, and every measure taken to solve the situation, mitigate any damage to human health or the environment and to prevent any similar situations from happening again.

d. The owner of this permit will prepare and submit any required report by the RMDSNP, which will include annual reports of the facility operation.

6. Permit Transfer:

a. This operation permit is non-transferable.

b. In case of a change of ownership, the new owner shall submit a new operation permit application with the required documents, by virtue of Rule 642, of the "RMSDSNP" (RMDSNP) sic. Said application shall be accompanied of the legal documentation as to evince the change in ownership. Also, the previous owner of the permit shall submit a written notification to the JCA about his intention of transferring the new owner and requesting the cancelation of said permit.

7. Permit Modification:

- a. JCA may modify or revoke a permit on its own will, or at the request of the owner of said permit.
- b. In case of any of the situations as provided in Rule 649 (c) of the RMDSNP, the permit may be modified or revoked at the request of the owner of the permit or by JCA's Initiative. In any of those cases where the owner of the permit requests a modification to the conditions of the operation permit, the modification won't take place until the JCA approves the proposed action.

8. Signatory Requirements: Every permit modification, reporting requirements or supplementary information as required by the JCA, shall be signed and certificated as provided by subparagraphs B(1) and B(3), respectively, of the Rule 642 of the RMDSNP.

9. Compliance Responsibility with other Permits or Authorizations:

- a. The JCA, when issuing this permit doesn't relieve the owner of this permit of his duties to obtain permits or additional authorities from the JCA, or from other state or federal agencies, as required by law. The issuance of this permit can't be considered as an authorization to perform activities that are not specifically covered under this permit, which could cause water, air or soil contamination.
- b. For the collection and transportation of ashes, the owner or operator shall make sure that the hired company to provide said services is duly authorized by this board for the transportation of these types of non-hazardous solid wastes. In the case that the owner or operator of the facility makes the collection and transportation of the non-hazardous solid waste he shall obtain a permit as established by the RMDSNP in Rule 643 and keep it ongoing.

10. Operating Permit Renewal: The owner of the permit will submit the permit renewal application at least sixty (60) days before the expiration of the same (permit) sic, as provided in Rule 642 (J) of the RMDSNP. If the renovation of the application is not submitted within said period, the facility won't be able to continue operating until they obtain the new permit.

11. Security Measures:

- a. The owner of this permit shall control public access at all times and avoid transit without authorization inside of the facility.

- b. In the occurrence of a failure in the normal operation of the facility, (this) won't relieve the owner or operator of the responsibility to comply with any provision of the RMDSNP.
  - c. The owner of the permit shall have the equipment for fire control, first aid equipment and communication equipment in cases of emergency.
12. Severability: Each of the conditions of this permit are considered independent from each other. Therefore, if the applicability of any condition of this permit is rendered ineffective due to any circumstances the remaining conditions of this permit won't be affected.

**B. Specific Conditions:**

- 13. The ashes shall and only will be stored in the silos and the completely closed and impermeable building. They won't be stored outdoors.
- 14. The ashes storage and deposit area shall have with effective preventive and control mechanisms for fugitive dust.
- 15. The ashes storage and deposit area shall be maintained at all times under conditions that won't allow the generation of fine particles or fugitive dust.
- 16. It will be the responsibility of the owner of the permit to determine if the resulting operational ashes exhibit or not the characteristics of a dangerous waste before their handling and disposal. All ashes resulting from the operation of the facility shall be handled and disposed based on their profile, in compliance as provided in Rule 502 del RMDSNP and the Rules 102 and 601-613 of the Rule of Hazardous Solid Waste Control (henceforth, "RCDSP") (by its Spanish acronym) sic, of the JCA, and Parts 260 and 261 of Title 40 of the Code of Federal Regulations (*40 CFR §§ 260-261*).
- 17. The analysis of the ashes is required to determine if they comply with the requirements to be considered hazardous waste (Rules 102 and 601-613 of the RCDSP and 40 CFR § 260-261) or non-hazardous (Rule 502 of the RMDSNP). The ashes shall be analyzed using the SW-846 Number 1311 methods (*Toxicity Characteristic Leaching Procedure*, known as TCLP, by its English acronym) and 1312 (*Synthetic Precipitation Leaching Procedure*, known as *SPLP*, by its English acronym). The parameters to be analyzed are: metals, volatile organic compounds, and semi-volatile, herbicides, pesticides, pesticides, dioxins and furans.
- 18. If the ashes results as non-hazardous they will be disposed in a facility having a JCA emitted permit authorizing receipt of the ashes. If by the date



this permit takes effect, the final disposal facility doesn't have a permit from the JCA that expressly authorizes the receipt of said ashes (classified as non-hazardous wastes), they shall be disposed of out of the jurisdiction of the Commonwealth of Puerto Rico in a non-hazardous solid waste facility duly authorized and in compliance with all federal and state applicable requirements.

19. If the ashes, do not comply with the criteria to be classified as non-hazardous solid waste, as established by the RMDSNP and the RCDSP, after the corresponding TCLP and SPLP analysis, they shall be disposed in a treatment facility or final disposition of hazardous waste, out of the jurisdiction of the Commonwealth of Puerto Rico.
20. The owner of the permit shall submit for evaluation and approval of the JCA, in a term of 180 days from the notification of this permit, a Sampling and Analysis Plan with all the standard procedures of operation (*SOP*, by its English acronym) that will be followed to sample and analyze the bottom, bed or heavy ashes (*bottom ash*), light and fly (*fly ash*), and rock or manufactured aggregate (*rock ash*) caught in the emission control systems. Said plan shall include a Control and Certainty of Quality Plan (*QAPP*, by its English acronym), which shall be prepared as stated in the established requirements in the document "*Uniform Federal Policy for Quality Assurance Project Plans*" of the "*Intergovernmental Data Quality Task Force*".
21. The owner of this permit shall comply with Rule 642(C)(2) and shall submit in the term of fifteen (15) days starting from the date of the notification of said permit, an Operational Plan according to Rule 536 of the RMDSNP.
22. The owner of this permit shall comply with Rule 642(C)(2) and shall submit in a term of fifteen (15) days from the day of the notification of the permit, a Compliance Plan according to Rule 646 of the RMDSNP. The Compliance Plan submitted to the JCA shall establish progress notes and the deadline date in each goal to be attained:
  - a. Dispose of the deposited and accumulated out in the open in the Facility within a term of fifteen (15) days from the date of the notification of the permit. In particular, taking in consideration the disposal of resulting ashes from the routinely operation of the facility:

PERCENTAGE OF EXISTING ASHES THAT SHALL BE REMOVED	TERM DURATION TO BE REMOVED
25%	3 months
50%	6 months
75%	9 months
100%	12 months

- b. Establish temporary measures of control of the fugitive dust during the removal process of the existing ashes such as spraying of water, wind barriers, compacting, vegetable cover application, covering the transport vehicles, y limiting the operations while heavy winds.<sup>1</sup>
  - c. Completely closed and permeated building for the storage of ashes.
23. The owner of this permit will prepare and keep in proper form, at all times the facility and all treatment and control systems.
24. It is required to the owner of this permit an insurance policy that would cover for the environmental risk which the activity would represent in case of abandonment, breach of the permit or other environmental disasters.

#### **SECTION IV – WARNING**

It is advised to every person who is denied of a permit, or that it is approved and someone is in disagreement with the conditions and terms under which it is conceded, could, within the term of twenty (20) days counted from the day of the notification, submit comments to the Board of Governors of the JCA to request a review of said permit.

If there are no comments submitted, this permit will become final in the term of 20 days to request the review. If commentaries are submitted this permit will not be final until the agency reacts on them. Once the agency reacts regarding said commentaries and emits their determination regarding them, this permit will become final.

It is advised that once the permit becomes final, any person from which the agency denies a permit or that it is approved and someone is in disagreement with the conditions and terms under which it is conceded, will have the right to contest the determination of the Environmental Quality Board by means of an adjudicative proceeding as provided in Section 5.4 of the Act Number 170 of August 12, 1988, as amended, better known as The Uniform Adjudicative Procedure Act, 3 L.P.R.A. § 2184.

It is advised, also, that once the JCA emits the final resolution in the adjudicative proceeding any party or person affected by said determination will have the right

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<sup>1</sup> All emission sources of atmospheric contaminants as the emission control systems of this facility are regulated and contemplated in the Construction Permits of an Emission Source of Atmospheric Contaminants, given by the JCA to that purpose, by means of the provisions of Rule 201 (Location Approval), Rule 203 (Emission Source Construction Permit) and Part VI (Operational Sources covered by Title V Permit) of Rule Number 5300 of August 28, 1995, known as the Atmospheric Contamination Control Rule (henceforth, "RCCA").



to request a reconsideration of the same or a judicial review within the terms disposed on Section 3.15 of the Uniform Adjudicative Procedure Act, supra, which will be notified in the final resolution.

## **SECTION V – ADOPTION AND EFFECTIVENESS**

The JCA authorizes **AES Puerto Rico, LP** to operate a non-hazardous solid waste facility, as describe don Section II of this permit.

The effectiveness of this permit will be for a period of **five (5) years**, which will commence on \_\_\_\_\_, 2015 and will expire on \_\_\_\_\_, 2020.

This permit is conditioned to the authorized identity satisfactorily proves to this Board , that the operation of this facility is and will remain in compliance with the conditions established on Section III of this permit.

This Board shall cease or revoke this permit if its verified that the facility is not in compliance with the conditions stipulated in the same. The JCA reserves the right to intervene with the facility in other aspects not covered in this authorization.

Given in San Juan, Puerto Rico on this \_\_\_\_\_, 2015

### **ENVIRONMENTAL QUALITY BOARD**

\_\_\_\_\_  
Suzette M. Meléndez Colón  
Vicepresident

\_\_\_\_\_  
Rebeca I. Acosta Pérez  
Associate Member

\_\_\_\_\_  
Weldin F. Ortiz Franco  
President